IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

OP.No. 3988 of 2001(Y)

PETITIONER:

MANIKKOTH MUHAMMED, AGED 44, S/O.ANDU KOLAVAYALL, RESIDING AT SHAJ MAHAL, PARIMADOM,NEW-MAHE, THALASSERRY, KANNUR DIST.

BY ADV. SRI.K.S.MADHUSOODANAN
SRI.C.P.PEETHAMBARAN

RESPONDENTS:

1.STATE OF KERALA, REP. BY SECRETARY, HOME DEPT., GOVT. OF KERALA, THIRUVANANTHAPURAM.

2.DIRECTOR GENERAL OF POLICE, GOVT. OF KERALA, THIRUVANANTHAPURAM.

3.K.BALASUBRAMANIAM,CIRCLE INSPECTOR OF POLICE, PERITHALMANNA, (FORMERLY C.I. OF KASARGODE POLICE STATION)

4.HARISH CHANDRA NAIK,SUB INSPECTOR OF POLICE, NEELESWARAM (FORMERLY S.I.-KASARGODE POLICE STATION) KASARGOD DISTRICT.

5.KUNJIKRISHNAN (RETD. A.S.I.,KASARGODE) PONNAMBALATHU HOUSE, NEAR THIRUVANCHERRY KAVU, KUTHUPARAMBA P.O., KANNUR.

6.GANGADHARAN,H C 248, SPECIAL BRANCH OFFICE, KASARGOD.

7.C.A.MOIDEEN KUNJU, AGED 60,S/O.ABDULLA,CHERIYA VEEDU, CHEROOR, CHENGALA VILLAGE, KASARGOD TALUK.

8.ABDULLA KUNJU,S/O.MOIDEEN KUNJU,CHERIYA VEEDU, CHERROR, CHENGALA VILLAGE, KASARGOD TALUK.

BY ADV. SRI.P.VIJAYA BHANU FOR R7, R8
SRI.M.GEORGE THOMAS
SRI.P.C.SASIDHARAN FOR R3 TO R6
SRI.M.P.PRABHANANDAN
GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.3988/2001

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF F.I.R. IN CRIME NO.343/98 OF KASARGOD POLICE STATION ON 10.7.1998.

EXT.P2: COPY OF THE REPORT OF DY.S.P.NARCOTIC CELL DATED 12.3.1999.

EXT.P3: COPY OF THE F.I.R. IN CRIME NO.399/98 29.7.98 BY THE KASARGOD POLICE STATION.

EXT.P4: COPY OF THE AGREEMENT DATED 31.3.1998 EXECUTED BETWEEN THE 1ST ACCUSED AND 7TH RESPONDENT.

EXT.P5: COPY OF THE PETITION UNDER SEC.173(8) CR.P.C. FILED BEFORE THE C.J.M.,KASARGOD BY DY.S.P.NARCOTIC CELL.

EXT.P6: COPY OF THE C.M.P.NO.4652/99 IN C.C.691/98 DATED 5.7.99.

EXT.P7: COPY OF THE FINAL REPORT SUBMITTED IN C.C.691/98 FILED BY ASP, KASARGODE BEFORE C.J.M. DATED 30.12.99.

EXT.P8: COPY OF THE ORDER OF STATE HUMAN RIGHTS COMMISSION DATED 1.1.2001.

EXT.P9: COPY OF THE JUDGMENT IN O.P.NO.30084/00 DATED 31.10.2000.

EXT.P10: COPY OF THE NOTICE DATED 16.10.2000 TO THE PETITIONER ISSUED BY THE S.P.C.B.C.I.D., KANNUR.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

O.P.NO.3988 OF 2001 (Y)

Dated this the 2nd day of February, 2007

J U D G M E N T

KOSHY,J.

This is a petition alleging police harassment. Two crimes were charged against the petitioner, but ended in acquittal. On the complaint of the petitioner before the Human Rights Commission, matter was looked into by the Departmental authorities and it was found that false cases were filed against the petitioner and disciplinary actions were taken against the three officers. In appeal punishment was enhanced. But in revision petition the order of the disciplinary authority was reinstated. In these circumstances, it is seen that higher authorities have taken adequate steps. However, 2nd respondent should see that petitioner is not further harassed. Petitioner is also free to proceed for damages for malicious prosecution or any other remedies according to law. With the

above observations this original petition is disposed of.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

O.P.NO.3988 OF 2001 (Y)

J U D G M E N T

2nd February, 2007